

Public Notice

Applicant:

Seneca County Dept. of Economic Planning Published: 8 April 2014 Expires: 8 May 2014

U.S. Army Corps of Engineers
Buffalo District

CELRB-TD-R

Application No: 2001-02559

Section: NY

All written comments should reference the above Application No. and be addressed to:

U.S. Army Corps of Engineers (Attn:) Judy A. Robinson 7413 County House Road Auburn, New York 13021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of Section 404 of the Clean Water Act (33 U.S.C. 1344)

APPLICANT:

Seneca County Department of Economic Planning Seneca County Office Building One DiPronio Drive Waterloo, New York 13165 Attn: William Bordeau, Director

WATERWAY & LOCATION: Various wetlands and a ditch on the Finger Lakes Regional Airport (Airport) property located at 2727 Martin Road, Seneca Falls, Seneca County, New York and properties adjacent to Thorpe Road and Fallon Road.

LATITUDE & LONGITUDE: Latitude North: 42.87738

Longitude West: -76.78313

EXISTING CONDITIONS:

Description of delineation of waters of the United States: The U.S. Army Corps of Engineers (USACE) Approved Jurisdictional Determination (JD) dated October 1, 2013 for project study area 2 (PSA 2) determined that two upland conveyances were determined as non-jurisdictional. Note that PSA 2 is privately owned and not part of the Airport property. A Preliminary JD dated September 19, 2013 for PSA1 determined that six (6) wetlands (4.48 total acres) and one (1) ditch (1400 linear feet) are jurisdictional waters of the United States. Note that PSA 1 includes both Airport and privately owned properties (Sheet 5 of 19).

Current Conditions of the County owned Airport facility (Sheet 5 of 19):

- north/south Runway 1-19 (4592 feet). This Runway was originally 3200 feet long and 50-feet wide. It was widened to 75-feet in 1989. The Runway was extended to 4199 feet in 2001 as part of a project that added 1392 feet to the approach end of Runway 19, extended the parallel taxiway to the new runway end, expanded the aircraft apron areas, and relocated a portion of Chadwick Road.
- East west turf Runway 11-29 (1850 feet) is the crosswind runway
- Taxiway A (4592 feet) and five other access taxiways
- Landside facilities include the airport terminal/administration building, aircraft storage and maintenance hangars, maintenance building, fueling facility, and tie-down areas.

The existing stormwater drainage ditches adjacent to the runways and taxiways provide limited stormwater storage and poor conveyance capacities. Ponded water is common and is persistent in periods of wet weather. The Federal Aviation Administration (FAA) design standards require that areas adjacent to runways and taxiways, known as "safety areas", must be well-drained and structurally sound in order to support a plane in the event it should leave the paved surface. These areas must have a mowed grass area with no ruts greater than 3-inches deep.

Currently, the Airport's safety areas are often not structurally sound and they rut easily under the weight of a mower making the areas difficult to maintain. In addition, FAA standards discourage standing water adjacent to airfields as these areas are seen as an attractant for wildlife, particularly waterfowl and other bird species, which increases the chance of a wildlife strike by an aircraft.

Stormwater from the southern portion of the Airport is generally directed via constructed conveyances (ditches and culverts) to Wetland A west of the apron and terminal area. Note that Wetland A occurs in a shallow depression and was not excavated as a stormwater management pond. In order to direct water off-site, it appears that ditches were excavated "as needed" and were not actually planned as an overall stormwater management system. Ditch A directs flow from Wetland A west under Thorpe Road through a privately owned active agriculture field planted in row crops. Stormwater outflow from the Airport and inadequate grade through agriculture fields with clay soils has caused ponding and crop damage. The property owner has requested that the County Airport address this issue.

Stormwater from the center of the Airport is directed to an existing stormwater management basin northeast of the intersection of Runways 1-19 and 11-29. The design flaw with this basin is that the airport is down-gradient of the basin, rendering it virtually ineffective in providing stormwater management. Runoff passes through the basin with marginal detention or filtration. Flow conveyance along Farron Road is severely inadequate and water ponds along the roadside and backfloods into the adjacent agricultural field, causing crop damage and persistent standing water.

Drainage at the northern portion of the property is very poor because there is insufficient vertical drop to drain the surface water. Drainage from this area generally drains to the north under Chadwick Road and, eventually, to the Seneca River. Similar to the above scenario, flow conveyance along Chadwick Road is inadequate causing standing water and crop damage in adjacent agricultural fields.

PROJECT PURPOSE:

Basic: Stormwater Management

Overall: Compliance with FAA design standards for required "safety areas" and to eliminate flooding from Airport stormwater on adjacent farmlands.

PROPOSED WORK: Preferred Alternative 5 (Sheet 19 of 19). Conduct stormwater management improvements on the Finger Lakes Regional Airport property with the construction of two (2) stormwater management basins. This Alternative would result in 2.61 acres of permanent fill impacts and 1.4 acres of permanent secondary impacts to waters of the United States totaling 4.01 acres of permanent loss. Basin 1 would be located directly behind the terminal with the apron area; and Basin 2 would be located north and perpendicular to Thorpe Road. Currently, drainage in these areas is generally to the west and minimal drainage improvements would be required along the runway and taxiway and the terminal and apron areas to enhance drainage in a westerly direction to carry flow to an unnamed tributary to Sampson Creek west of the Airport property. The existing basin that drains east to Farron Road will remain in its current state, and not considered as part of this Alternative.

Construction of Basin 1 (Southern Basin – 3.1 acres) - The permanent fill and loss of 2.08 acres of emergent Wetland A, 0.09 acre of emergent Wetland E, and 0.03 acre (676 linear feet) of Ditch A for the creation of a dry pond with a 48-hour retention time. Construction of the Basin will replace the primary function of stormwater management currently provided by Wetland A but is not intended to replace any habitat features that may currently exist. The Basin is designed accordance with FAA Advisory Circular AC 150/5200-33B – Hazardous Wildlife Attractants On or Near Airports which requires that the detention basins will be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after a storm and should remain completely dry between storms.

Construction of Basin 1 will also result in secondary impacts that will cause the permanent loss of 0.91 acre of Wetland A within the adjacent agriculture field due to changes in hydrology. The loss is associated with grading intended to provide positive drainage of the wetland into the ditch to address flooding issues in the field. Note that Wetland A has been routinely plowed and planted with row crops for many years.

- Enhancement of Ditch A in Wetland A- Approximately 724 linear feet (0.03 acre) of Ditch A was excavated through Wetland A by the private land owner to drain the agricultural field from flooding resulting from rain events and stormwater discharge from the Airport. The entire 724 linear feet will be regraded, redesigned and replaced with a 624 linear foot Ditch. A 12-foot wide x 567 linear foot earthen berm will be constructed on both sides of the redesigned Ditch (0.31 acre). Note that the 0.31 acre is included in the permanent loss of 2.08 acres of Wetland A as stated above.
- 3) Expansion of Ditch A through Wetland B Ditch A will be connected to the existing culvert under Thorpe Road by a 143 linear foot (0.03 acre) drainage ditch that will be excavated and graded through Wetland B.

Grading within Wetland B will result in secondary impacts causing the permanent loss of 0.49 acre of Wetland B within the agriculture field due to changes in hydrology. The loss is associated with grading intended to provide positive drainage of the wetland into the ditch to

address flooding issues in the field. Note that Wetland B has been routinely plowed and planted with row crops for many years.

<u>Construction of 2.4 acre Basin 2</u> - will occur entirely in an upland area adjacent to Wetland F. In order to convey discharge from the Basin to the unnamed tributary west of the site, a ditch will be excavated through Wetland F as described below:

4) Excavation of Ditch B through Wetland F - Ditch B will be connected to the existing culvert under Thorpe Road by an 84 linear foot (0.07 acre) drainage ditch that will be excavated and graded through Wetland F.

Note that stormwater discharge from Basins 1 and 2 will exit the Airport property under Thorpe Road via existing culverts. The drainage system will be further developed on private property west of Thorpe Road via two ditches constructed in areas determined as non-jurisdictional conveyances. Both of the ditches will outfall into an unnamed tributary to Sampson Creek (Sheet 6 of 19).

5) Filling of Wetland I (0.21 acre) and Wetland H (0.07 acre) - These linear wetlands developed within the existing drainage ditches adjacent to the runways. The stormwater management functions of these linear features will be replaced by a subterranean collection system and piped to Basin 2.

Considerations: Drainage easements would be required to carry discharge from both basins across privately owned agricultural field in order to direct discharge to the unnamed stream west of Thorpe Road. The private property owner has expressed willingness to grant such easements to the Airport. Estimated cost of this alternative is \$2,000,000.

Determination: This option is considered the Preferred Alternative for the following reasons: 1) project would achieve meeting required compliance with FAA standards pertaining to "safety areas"; 2) would not require long-term closing of the airport; 3) although this alternative requires greater wetland impacts than Alternatives 3 and 4, approximately 1.5 acres of wetlands are currently in agricultural production and are plowed annually, which is an exempt activity that does not require a USACE permit, and the rest are emergent wetlands of marginal quality, which function primarily as part of the existing inadequate stormwater management system; 4) is cost effective; 5) The subject wetlands may provide habitat for various animal species; however, FAA safety standards require brush and tree removal to maintain safe landing approaches and to discourage use by waterfowl, migratory birds, and mammal species that could cause safety issues for aircraft operation, thereby limiting/reducing the quality and function of the wetlands; 6) the private property owner's willingness to grant drainage easements on the parcel west of the Airport property.

Water Dependency Determination: The discharge of fill material into wetlands for the purpose of constructing a stormwater management system is not a water dependent activity because it does not require access or siting within the special aquatic sites in question to fulfill its basic purpose. Therefore, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise.

Avoidance and Minimization Information:

Alternative 1: No Build. (Sheet 15 of 19)

Considerations: Under this alternative no action would be taken to correct the stormwater deficiencies on the airport.

Determination: This Alternative would not meet FAA safety design standards or address flooding issues resulting from Airport stormwater runoff. Therefore, this Alternative was not selected.

Alternative 2: No USACE Permit Action Required. (Sheet 16 of 19)

Considerations: Under this Alternative, the project's stormwater improvement goals would be achieved without any regulated impacts to waters of the United States. This Alternative consists of locating an improved stormwater management basin west of the airport and perpendicular to Thorpe Road. This Alternative would direct airport drainage westerly towards Thorpe Road, where there is a suitable outfall location. In order to provide the proper drainage gradient, Runway I-19 would need to be abandoned, removed, and rebuilt so that the southern two-thirds of the runway would be constructed at a higher elevation. To accomplish this, the runway would be closed for at least 6 to 8 months and would require extensive estimated 170,000 cubic yards of fill. The rough preliminary cost associated with this Alternative is estimated at \$7,000,000. No impacts to aquatic resources would occur and the project would be located entirely on land currently owned by the airport and would not require any property acquisitions or easements.

Determination: This Alternative was not selected because relocating the runway would shut down the airport for an unacceptable amount of time which would cause a loss of income and public use of the airport. Further, and foremost, the 7-million dollar cost makes this an impractical solution.

Alternative 3: (Sheet 17 of 19) Locate an improved stormwater management basin (basin) in approximately the same location as the existing basin east of Runway I-19 north of the intersection with Runway 11-29. Only minor drainage improvements would be needed along the runway and taxiway as the system's outfall location along Farron Road would not change. This basin is ineffective because it was constructed upgrade of the airport facility. Major drainage improvements would be required around the terminal and apron, which currently drains west to Thorpe Road, in order to redirect stormwater upgrade to drain easterly to Farron Road.

Considerations: This option would achieve FAA requirements pertaining to "safety areas", would reduce wetland impacts from the Preferred Alternative 5 of 3.91 acres to 0.28 acre, and would require an additional impact to an estimated 0.24 acres of wetlands located on Airport property adjacent to Farron Road, outside of the original project study area. This Alternative would be located entirely on land currently owned by the Airport, and would not require any property acquisitions or easements. However, the basin's discharge point would be east under Farron Road and presents two significant issues: 1) there is no well-defined receiving channel along Farron Road; 2) land on the east side of Farron Road where stormwater would be directed is owned by the Cayuga Nation of New York.

Determination: This Alternative was not selected because: 1) this location is at one of the highest grades on the Airport property and achieving positive flow to the basin would be difficult; 2) would result in a substantial increase discharge volume from the basin to lands east of Farron Road, which are owned by the Cayuga Nation of New York; 3) there is no defined channel along Farron Road to carry discharge; 4) increased discharge would result in more frequent backflooding and ponding already experienced within active agricultural fields adjacent to Fallon Road; 5) purchasing land or obtaining easements from the Cayuga Nation is not seen as a viable option.

Alternative 4: (Sheet 18 of 19) Locate a new basin west of the airport, adjacent to Thorpe Road. Currently, grade in these areas is generally to the west and minimal drainage improvements would be required along the runway and taxiway and the terminal and apron areas to enhance drainage in a westerly direction.

Considerations: Directing runoff to the proposed basin would require filling 0.28 acre of wetlands and drainage improvements causing 3.05 acre of secondary impacts to Wetland A. The basin would be located on privately-owned land and would require drainage easements to carry discharge from the proposed basin to an unnamed stream west of Thorpe Road. The property owner actively farms the parcel and has declined the Airport's offers to purchase the land necessary to construct the proposed basin.

Determination: This Alternative utilizes the natural grades that slope to the west towards Thorpe Road through active agricultural fields. The private land owner farming these fields will not agree to sell the land; therefore this is not a viable Alternative.

Proposed Mitigation: The applicant proposes the purchase of 4.01 in-lieu fee credits from the Ducks Unlimited Seneca Lakes Service Area (HUC: 04140201). A 1:1 ratio was proposed because the wetlands and ditches proposed for impact function primarily in a stormwater management capacity; which will be replaced and enhanced by the proposed project. Wetlands I and H occur in areas adjacent to the Airport runway and taxiways; Wetlands A and B and Ditch A are located primarily in an active agriculture fields, and the portion of Wetland F that will be impacted is near an existing culvert under Thorpe Road. Further, FAA safety regulations requires that the detention basins will be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after a storm and should remain completely dry between storms. Therefore, the funds to purchase 4.01 in-lieu-fee credits as an investment towards the creation/enhancement/restoration of a larger mitigation project that can provide a matrix of functions and services within the watershed was proposed as compensatory mitigation for the proposed impacts.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of **Judy A. Robinson**, who can be contacted at the- above address, by calling **315-704-0255** or by e-mail at: **judy.a.robinson@usace.army.mil.** A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

New York State Office of Parks, Recreation and Historic Preservation: Based on preliminary findings, the project permit area, as shown on Sheet 5 of 19, does not appear to be located within an archaeologically sensitive area as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) and does not include properties listed eligible or proposed for listing in the National Register of Historic Places. In a letter dated March 29, 2012 (NYSOPRHP File No. 12PR01092), the NYSOPRHP indicated that the project would have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places, which is consistent with USACE findings.

Endangered Species: Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the U.S. Army Corps of Engineers is consulting, under separate cover, with the U.S. Fish and Wildlife Service to evaluate any potential impacts to the Indiana bat (*Myotis sodalis*), eastern long-eared bat (*Myotis septentrionalis*), and bog turtle (*Clemmys muhlenbergii*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, Parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments. Public hearings for the purposes of the Corps permit program will be held when the District Commander determines additional information, not available in written comments, can be obtained that will aid in the decision making process for this application. A Corps hearing is not a source of information for the general public, or a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To

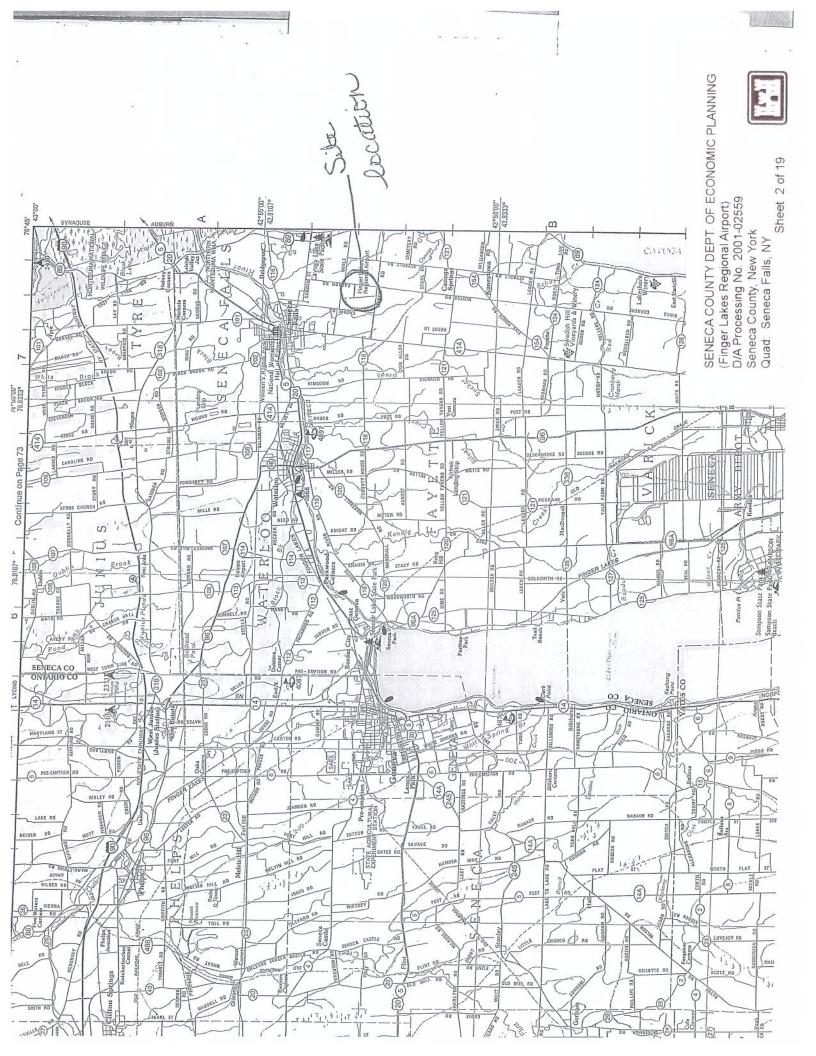
make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

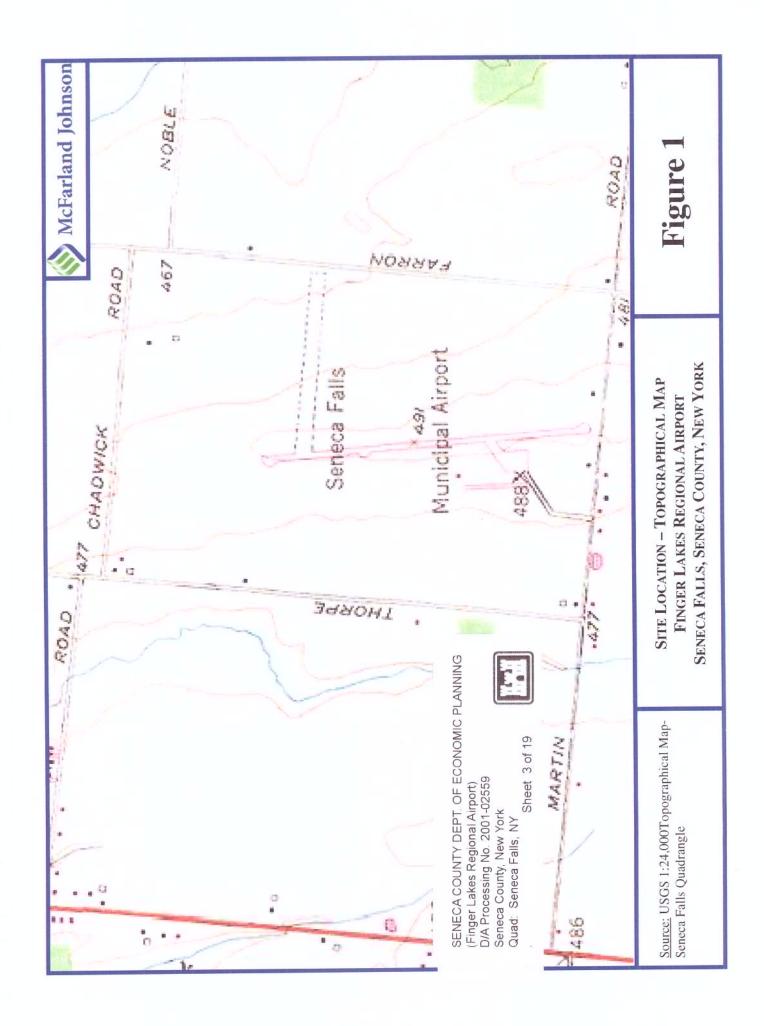
SIGNED

Diane C. Kozlowski Chief, Regulatory Branch

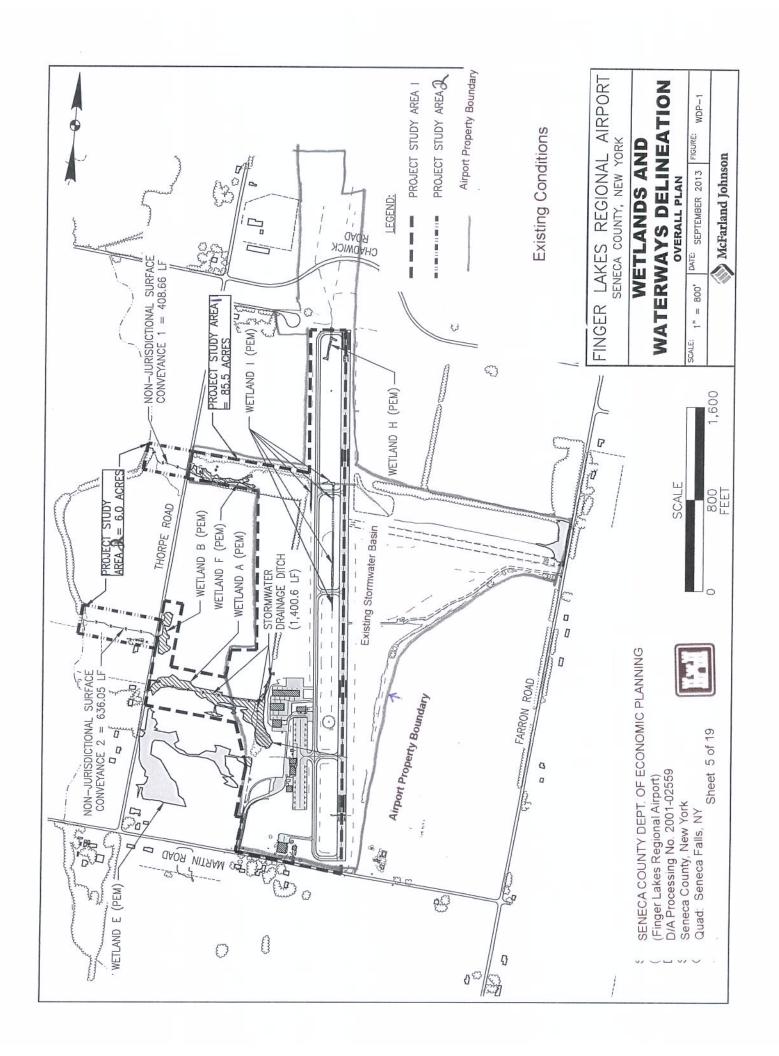
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

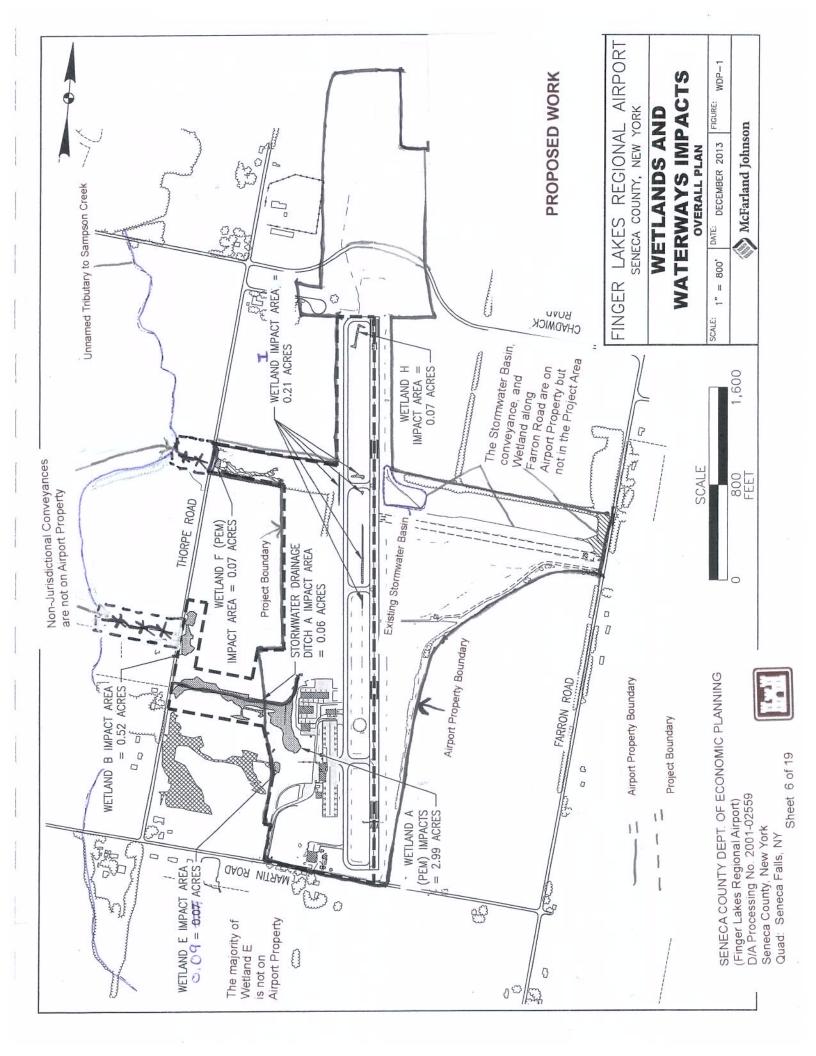
IMPACT MAPS AND PLAN SHEETS

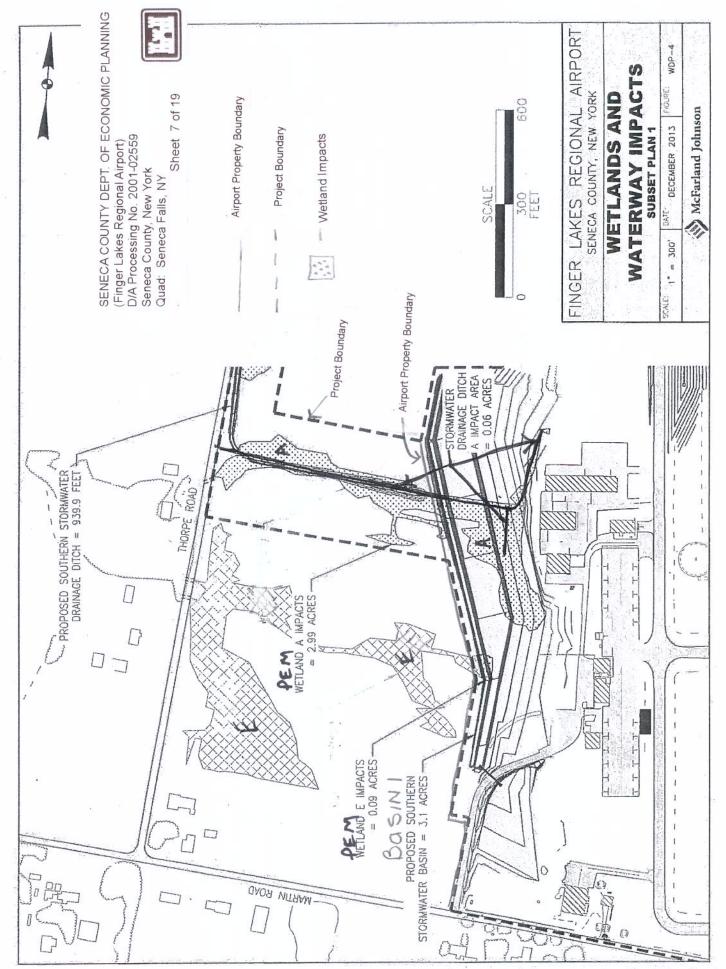


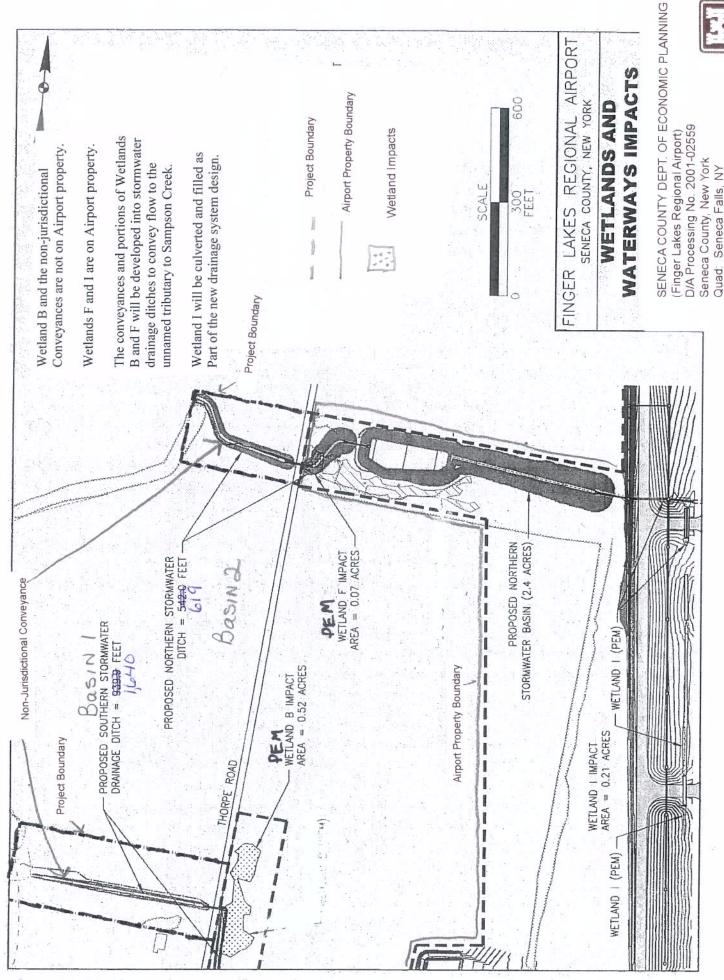




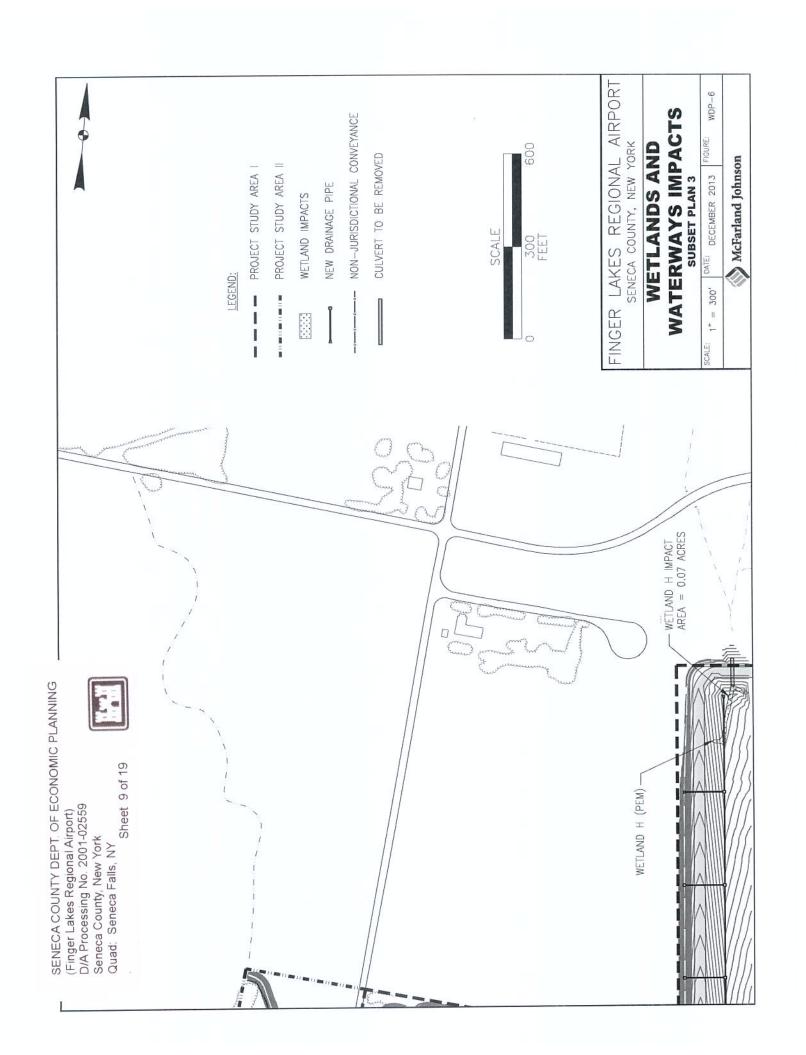


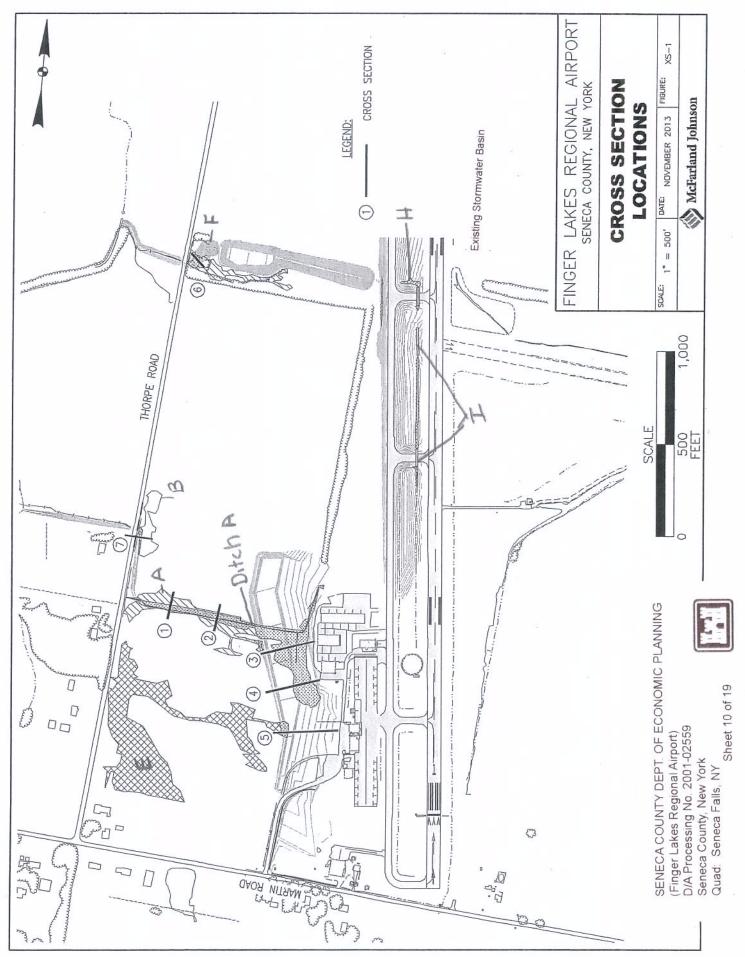


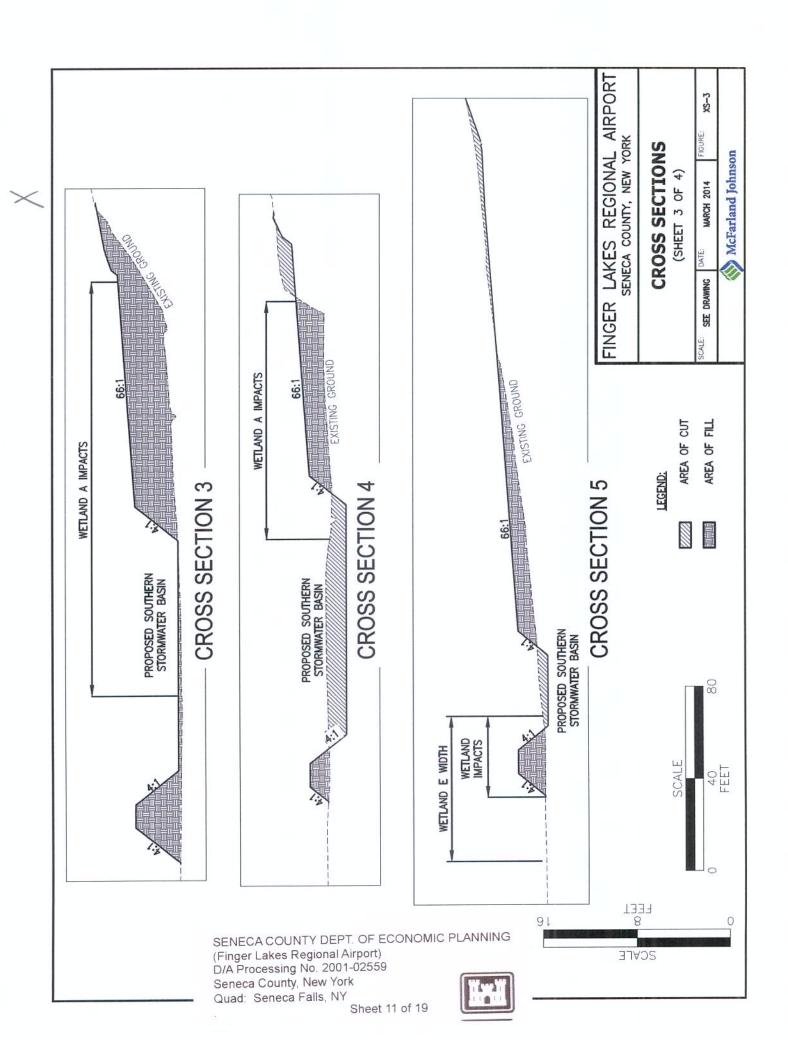


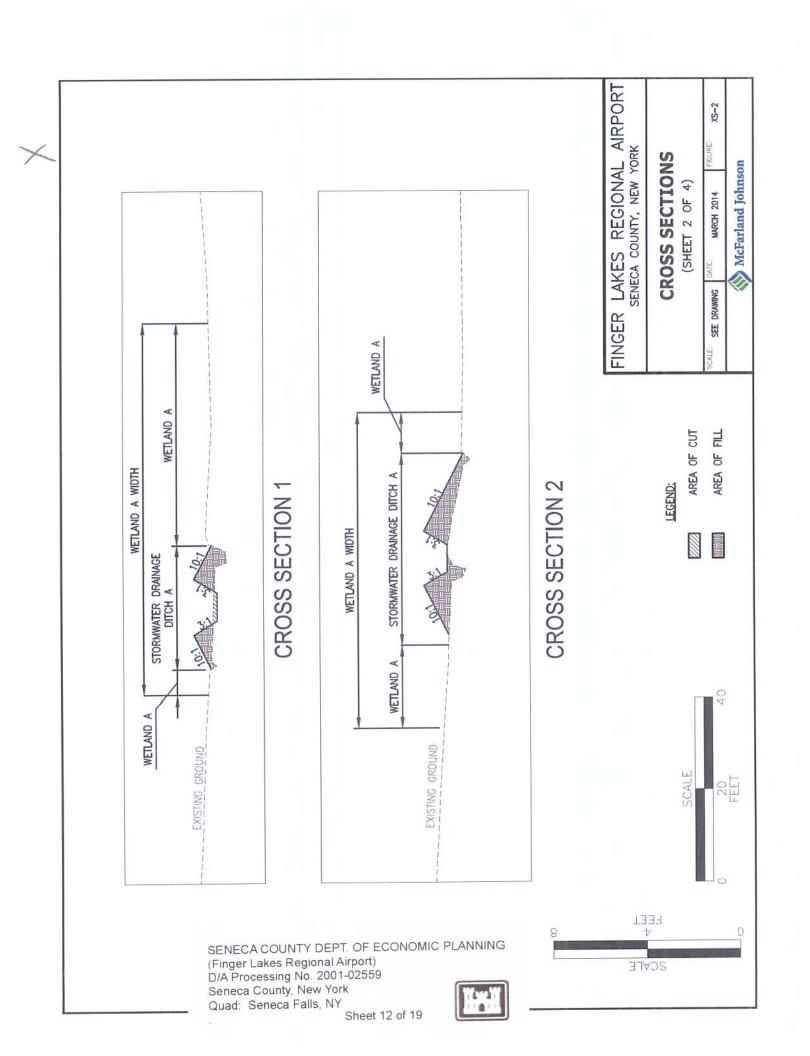


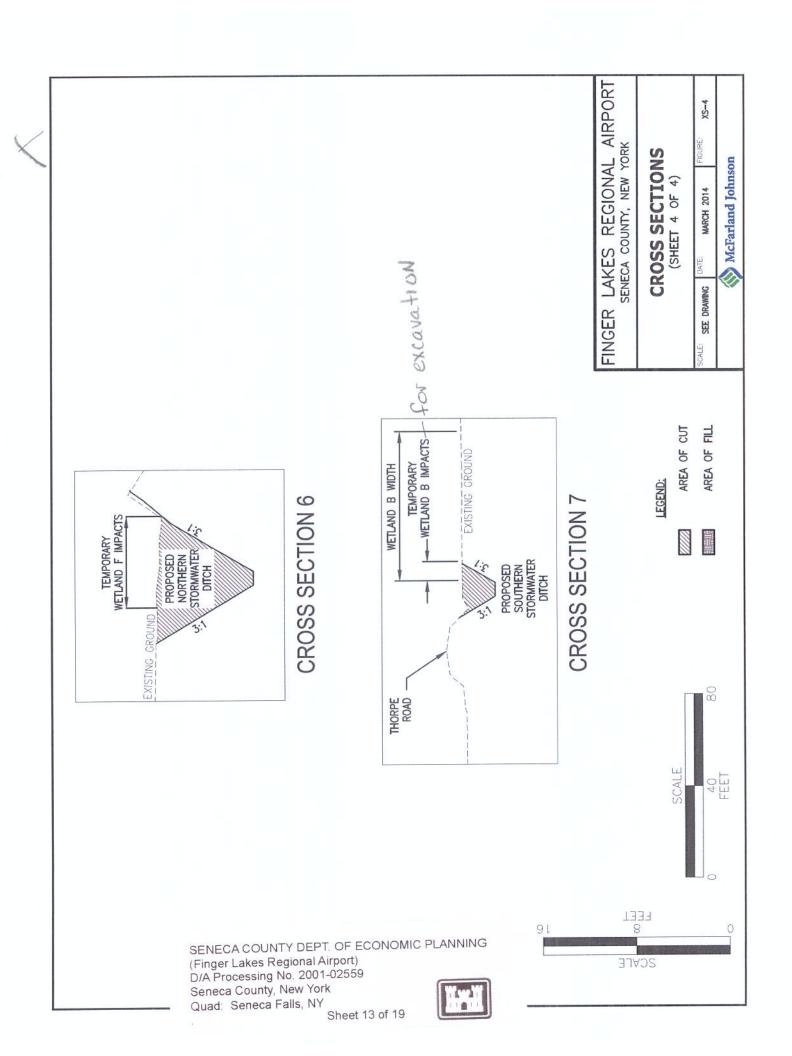
Sheet 8 of 19





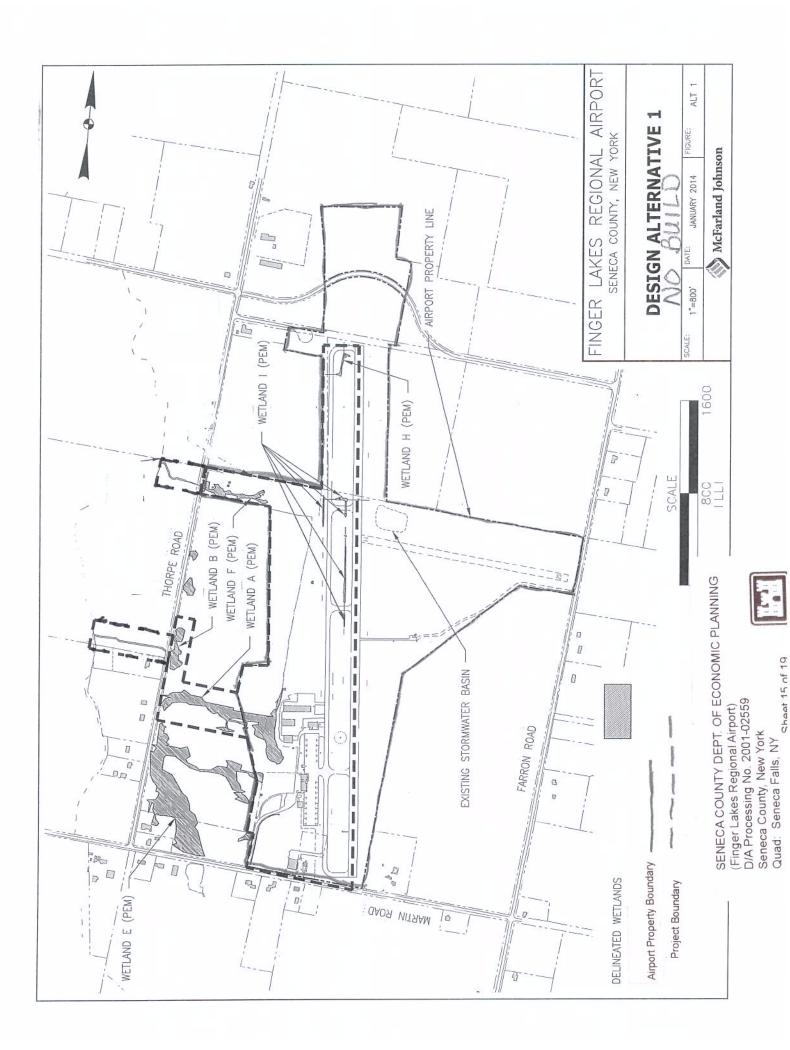


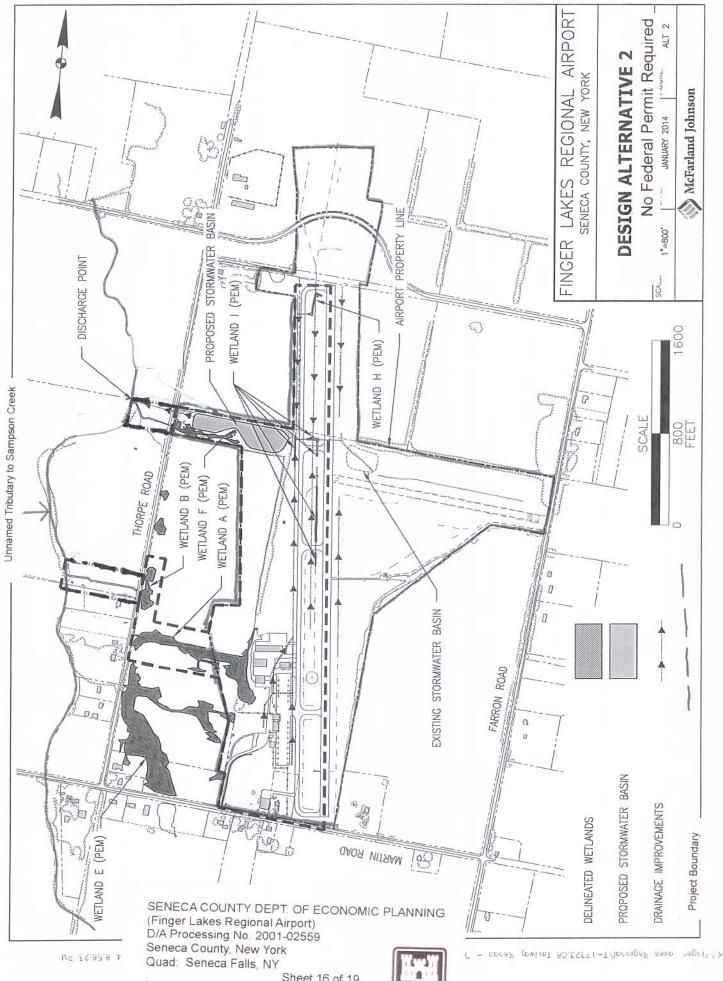




ALTERNATIVE PLANS CONSIDERED

SENECA COUNTY DEPT. OF ECONOMIC PLANNING (Finger Lakes Regional Airport)
D/A Processing No. 2001-02559
Seneca County, New York
Quad: Seneca Falls, NY
Sheet 14 of 19





Sheet 16 of 19

